

Attention Voters

ASHLAND ZONING QUESTION TO BE ON THE BALLOT MARCH 9, 2010

1. Are you in favor of amending the Town of Ashland Zoning Ordinance Article 6.4 a to comply with NH RSA 676:7 and 6.4b to comply with NH RSA 674:33?

The wording when amended would read as follows:

6.4a Variances may be granted only after a public hearing held in accordance with NH RSA 676:7, *as amended*. All abutters of the property in question shall be notified by certified mail, return receipt requested, not less than 15 days before the date of any public hearing regarding the requested variance. The applicant for the variance shall pay the cost of abutter notices, advertising and posting the hearing.

6.4b A variance is an authorization, which may be granted *by the Zoning Board of Adjustment* under special circumstances *and in accordance with NH RSA 674:33 as amended*, to use property in a way that is not permitted under the strict terms of the zoning ordinance.

THE CURRENT DOCUMENT WORDING IS ON THE BACK SIDE OF THIS NOTICE. PLEASE BE ADVISED THAT THE LAW HAS CHANGED AND WE NEED TO COMPLY SO IT IS VERY IMPORTANT THAT THIS ARTICLE PASSES.

DISTRIBUTED BY THE ASHLAND PLANNING BOARD

As currently worded in the Ashland Zoning Ordinance

- 6.4a Variances may be granted only after a public hearing held in accordance with NH RSA 676:7. All abutters of the property in question shall be notified by certified mail, return receipt requested, not less than 15 days before the date of any public hearing regarding the requested variance. The applicant for the variance shall pay the cost of abutter notices, advertising and posting the hearing.
- 6.4b The Zoning Board of Adjustment may, on an appeal, grant a variance from the provisions of this Ordinance only where the Board finds that all of the following conditions apply:
1. No diminution in value of surrounding properties would be suffered.
 2. Granting the permit would be of benefit to the public interest
 3. Denial of the permit would result in unnecessary hardship to the owner seeking it (it is not enough that the application of the ordinance may cause the landowner to suffer some financial loss. *Hanson v. Manning* 115 NH 366)
 4. By granting the permit substantial justice would be done
 5. The use must not be contrary to the spirit of the ordinance. *Gelinas v Portsmouth* 97 NH 248, 1952